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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SYAC
#513

In re Application of: E. Willis § ART UNIT: 3635
§
Application Serial Number: 09/644,169 §
§
Filed: August 23, 2000 §
§
For: IMPROVED TRAILER FLOOR § EXAMINER: Varner, S.

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Hon. Assistant Commissioner for Patents
Washington, DC 20231
Box Petitions

RECEIVED

AUG 29 2002

Sir:

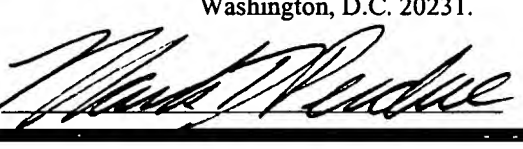
OFFICE OF PETITIONS

Applicant hereby petitions to revive the referenced application and shows as follows:

Certificate of Mailing Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231.

On August 20, 2002. By: 

1) My name is Mark Perdue, Registration Number 36,890, and I am the attorney of record in the referenced application.

- 2) An office action mailed August 3, 2001 was received in August 2001 and I forwarded a copy to Applicant shortly thereafter with a cover letter attempting to explain the office action
- 3) My letter to Applicant failed to state the deadline for response, which is not my usual practice as I do not expect applicants to "glean" the due date from the office action itself.
- 4) Shortly (within a month) of mailing a copy of the office action to Applicant, I called him and we discussed cost and Applicant communicated that he could not afford to proceed at that time. I mentioned that he had some time to save the money, but again did not explicitly remind him of the deadline of November 3, 2001 (without extensions), thinking I had done so in the letter. The Applicant stated that he would "do what he could" about getting the money to prepare a response.
- 5) I did not hear again from Applicant, thinking he was aware of the deadline and that he simply could not afford to proceed.
- 6) Shortly after the six-month deadline (February 3, 2002) expired, Applicant called me and asked what we could do insofar as responding to the office action and making financial arrangements
- 7) I reviewed the file and my letter, only then realizing that I had not stated the deadline for response, and reported back to him that the six-month period had

expired and that we had no right to respond without either refiling the application or filing a petition to revive. To date, I have not received a Notice of Abandonment

8) Shortly thereafter, I agreed to file this petition and a response at no cost to Applicant other than the fees and Applicant provided me with the fee to file this petition to revive.

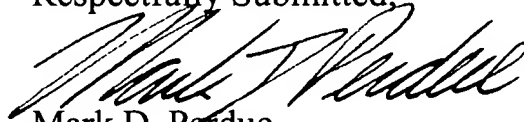
9) Accordingly, the application was abandoned unintentionally, through a miscommunication between myself and Applicant and as a result of, at most, excusable neglect.

10) Any delay between the abandonment occurring on February 3, 2002 and the filing of this petition is unintentional.

11) A check in the amount of the petition fee (\$640) is enclosed as is a response to the outstanding office action.

12) In view of the foregoing, Applicant respectfully solicits revival of the application and that prosecution on the merits resume.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Perdue', is written over the typed name.

Mark D. Perdue

Registration Number 36,890

The Zisman Law Firm, PC

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